



# Planning Commission Agenda

Meeting of May 16, 2016  
Council Chambers, Civic Center  
1243 National City Boulevard  
National City, CA 91950



The Planning Commission requests that all cellphones, pagers, and/or smart devices be turned off during the meeting.

*Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

Welcome to the Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

## **Roll Call**

## **Pledge of Allegiance by Commissioner Baca**

## **Approval of Minutes**

1. Approval of Minutes from the Meeting of May 2, 2016

## **Approval of Agenda**

2. Approval of Agenda for the Meeting on May 16, 2016

## **ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).**

NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.

## **PRESENTATIONS**

3. Presentation and Discussion of Land Use in areas of the General Plan, Abuse of Discretion and Substantial Evidence.
4. Update on activities related to street trees in the City and overview of Planning Commission functions related to street trees.

## **CONTINUED PUBLIC HEARINGS**

### **PUBLIC HEARINGS**

### **OTHER BUSINESS**

5. Resolution 2016-11 denying a Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4<sup>th</sup> Street. (Case File No: 2015-28 CUP)

### **STAFF REPORTS**

Senior Assistant City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

### **ADJOURNMENT**

Adjournment to next regularly scheduled meeting on June 6, 2016.



## **Planning Commission Minutes**

**Meeting of May 2, 2016**

Planning Commission Meeting  
City Council Chambers, Civic Center  
1243 National City Boulevard  
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

### **Agenda Items**

The meeting was called to order by Chair Baca at 6:04 p.m.

### **Roll Call**

Commissioners Present: Baca, Garcia, Flores, Sendt, Dela Paz  
Commissioners Absent: Yamane, Bush

Staff Also Present: Nicole Pedone, Senior Assistant City Attorney; Martin Reeder, Principal Planner; Raymond Pe, Principal Planner; Michael Fellows, Assistant Planner; Brad Raulston, Executive Director; Manuel Rodriguez, Chief of Police; Kuna Muthusamy, Assistant Director of Public Works/Engineering

**Pledge of Allegiance Presented by Commissioner Baca**

### **1. Approval of Minutes for the Meeting on April 18, 2016.**

Motion by Garcia, 2<sup>nd</sup> by Flores to approve the Minutes for the meeting of April 18, 2016.

**Motion carried by the following vote:**

**Ayes: Garcia, Flores, Baca, Dela Paz, Sendt**

**Absent: Yamane, Bush**

2. Approval of the Agenda for the Meeting on May 2, 2016.

Motion by Flores, 2<sup>nd</sup> by Garcia to approve the Agenda for the Meeting on May 2, 2016.

**Motion carried by the following vote:**

**Ayes: Garcia, Flores, Baca, Dela Paz, Sendt**

**Absent: Yamane, Bush**

**ORAL COMMUNICATION: None**

**PRESENTATIONS:**

3. Presentation and Discussion of Land Use in areas of the General Plan, Abuse of Discretion and Substantial Evidence.

*Note: In interest of time, Chair Baca requested, and received agreement from the commissioners, to move Item 3 to follow Item 9.*

**CONTINUED PUBLIC HEARINGS: None**

**PUBLIC HEARINGS**

4. Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4<sup>th</sup> Street. (Case File No.: 2015-28 CUP).

Report by Principal Planner Martin Reeder.

Applicant: Susana Gama, Read, Understands and Agrees with recommended conditions.

Seven Speakers In Support: Guillermo Quibrera, Hermenegildo Rivas, Palomah V. Rivas, Aurelio Rivas, Carlos Morena, Denise Millan, Guadalupe Escalante

Seven Speakers Oppose: Luis A. Mercado, Eddie Brikho, Robert Zakar, Nadia Hermiz, Mike Hermiz, Nicolina Sposaro, Les Johnson

Insights related to crime in the area presented by Chief Manuel Gonzalez, NCPD

Discussion by Planning Commissioners regarding concerns related to alcohol saturation in the area, nearby school, businesses catering to children, effects on community, hours of operation, limiting storage space of alcohol, and training for employees.

Motion by Garcia, 2<sup>nd</sup> by Flores to close the Public Hearing for a Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4<sup>th</sup> Street. (Case File No.: 2015-28 CUP).

**Motion carried by the following vote:**

**Ayes: Garcia, Baca, Bush, Sendt, Flores, Dela Paz**

**Absent: Yamane, Bush**

5. Resolution 2016-08 taking action on a Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4<sup>th</sup> Street. (Case File No.: 2015-28 CUP)

Motion by Dela Paz to approve Resolution 2016-08 to approve Resolution 2016-08 for Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4<sup>th</sup> Street. (Case File No.: 2015-28 CUP), subject to additional conditions.

**Motion failed for lack of a second.**

Motion by Garcia, 2<sup>nd</sup> by Sendt to deny Resolution 2016-08 for Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4<sup>th</sup> Street. (Case File No.: 2015-28 CUP).

**Motion carried by the following vote:**

**Ayes: Garcia, Baca, Sendt**

**Noes: Flores, Dela Paz**

**Absent: Yamane, Bush**

*Note: Commissioner Bush entered chambers at 7:51 pm*

*Recess called at 7:51*

**ROLL CALL at 7:57**

Commissioners Present: Baca, Garcia, Flores, Sendt, Bush

Commissioners Absent: Dela Paz, Yamane

6. Conditional Use Permit for outdoor storage at ABC Supply, Inc. located at 2840 Transportation Avenue. (Case File No.: 2016-06 CUP).

Presented by Assistant Planner, Michael Fellows

Applicant: Rebecca Barnes and Gene Chappo. Read, understands and agrees with recommended conditions.

Motion by Garcia, 2<sup>nd</sup> by Sendt to close the Public Hearing for a Conditional Use Permit for outdoor storage at ABC Supply, Inc. located at 2840 Transportation Avenue. (Case File No.: 2016-06 CUP).

**Motion carried by the following vote:**  
**Ayes: Garcia, Baca, Flores, Bush, Sendt**  
**Absent: Dela Paz, Yamane**

7. Resolution 2016-09 taking action on a Conditional Use Permit for outdoor storage at ABC Supply, Inc. located at 2840 Transportation Avenue. (Case File No.: 2016-06 CUP).

Motion by Flores, 2<sup>nd</sup> by Bush to approve the Resolution for a Conditional Use Permit for outdoor storage at ABC Supply, Inc. located at 2840 Transportation Avenue. (Case File No.: 2016-06 CUP).

**Motion carried by the following vote:**  
**Ayes: Garcia, Baca, Flores, Bush, Sendt**  
**Absent: Yamane, Dela Paz**

8. Conditional Use Permit for motor vehicle storage at 100 East 18<sup>th</sup> Street. (Case File No.: 2016-09 CUP)

Presented by Principal Planner, Martin Reeder  
Applicant: Dan Levine. Read, understands and agrees with the recommended conditions.

Motion by Garcia, 2<sup>nd</sup> by Bush to close the Public Hearing for Conditional Use Permit for motor vehicle storage at 100 East 18<sup>th</sup> Street. (Case File No.: 2016-09 CUP)

**Motion carried by the following vote:**  
**Ayes: Garcia, Baca, Flores, Bush, Sendt**  
**Absent: Yamane, Dela Paz**

9. Resolution 2016-10 taking action on a Conditional Use Permit for motor vehicle storage at 100 East 18<sup>th</sup> Street. (Case File No.: 2016-09)

Motion by Bush, 2<sup>nd</sup> by Garcia to approve Resolution 2016-10 for a Conditional Use Permit for motor vehicle storage at 100 East 18<sup>th</sup> Street. (Case File No.: 2016-09 CUP)

**Motion carried by the following vote:**  
**Ayes: Garcia, Baca, Flores, Bush, Sendt**  
**Absent: Yamane, Dela Paz**

10. Overview of Planning Commission function related to street trees.

*Note: Commissioners agreed to table Item 3 and Item 10 to the next meeting to be held on May 16, 2016.*

## **STAFF REPORTS**

**Executive Director:** Feel free to look at the handout regarding the General Plan Presentation and if have any items needing further review before formal presentation at next meeting feel free to bring it up to Brad or Martin.

Mr. Raulston honored Principal Planner Martin Reeder for his great work with the Planning Commission and City as a whole and presented him with his 10-year anniversary pin and gift certificate. Congratulations.

**Principal Planner:** Mr. Reeder thanked Mr. Raulston for the recognition and welcomed Commissioner Sendt to the commission.

## **COMMISSIONER REPORTS:**

**Bush:** Congratulations to Mr. Reeder.  
SANDAG is proposing a ballot initiative to add a half-cent property tax increase

**Garcia:** Port presentation at City Council

**ADJOURNMENT** by Chair Baca at 8:32 p.m. to next meeting scheduled for May 16, 2016 at 6:00 pm.

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CHAIRPERSON





RESOLUTION NO. 2016-11

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NATIONAL CITY, CALIFORNIA, DENYING A  
CONDITIONAL USE PERMIT FOR ALCOHOL SALES  
AT GAMA PRODUCE LOCATED AT 1605 EAST 4<sup>TH</sup> STREET.  
CASE FILE NO. 2015-28 CUP  
APN: 554-050-19

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at Gama Produce located at 1605 East 4<sup>th</sup> Street at a duly advertised public hearing held on May 2, 2016, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-28 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on May 2, 2016, support the following findings:

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – four off-sale outlets are permitted where two are recommended by the California Department of Alcoholic Beverage Control. – and the area has a high crime rate.
2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because four other off-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

**CERTIFICATION:**

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 16, 2016, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

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**CHAIRPERSON**



CITY OF NATIONAL CITY - PLANNING DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

### PLANNING COMMISSION STAFF REPORT

Title: OVERVIEW OF PLANNING COMMISSION FUNCTIONS  
RELATED TO STREET TREES

#### BACKGROUND

During discussion at a previous Planning Commission meeting, Commissioners asked questions regarding street tree policy, particularly with relation to a list of approved street trees and the role of the Commission. This report is provided in response to this inquiry as an overview of the functions of the Planning Commission related to street trees.

#### ANALYSIS

The Bylaws of the Planning Commission (see attachment no. 1) include four functions that pertain to street trees. They are as follows:

- Identify appropriate trees for planting within the City's parkways and along roadways within National City,
- Adopt and routinely maintain an "official" street tree list of appropriate trees to install within the City's parkways and along roadways within National City,
- All trees within the public right of way identified for removal and/or installation shall be referred to the Director of Public Works for determination that removal and/or installation of said tree is warranted. If the request is denied by the Director of Public Works, the property owner may appeal to the "Commission" for further review and determination (in accordance with Section 13.18.030 of the Municipal Code).
- Review all public works projects when landscaping and street trees are proposed to determine appropriate and desirable street trees and landscaping that will further enhance and beautify the city.

The duties of the Commission also include making "decisions related to installation and/or removal of street trees and landscaping within the public rights of way." This would normally be in relation to a development project, or as a result of an appeal of a Public Works denial of a particular tree planting or removal request.

The Public Works Department administers guidelines for the planting and removal of street trees in the public right-of-way (see attachment no. 2). Generally, a tree is removed based on one of the following criteria:

1. The tree is dying or dead
2. Tree roots are damaging public improvements (sidewalks, streets, curbs, gutters, or underground utilities)
3. The tree is considered to be an imminent hazard (i.e., uprooted, leaning)

For private-party requests for tree removal, a fee is charged that goes towards the replanting of the tree. The requester may choose from any tree on the list of approved street trees (see attachment no. 3), which includes eight examples of suitable specimens. The Public Works Department administers the list, which is currently up to date.

Street trees and parkway landscaping regulations are located in Chapter 13.18 of the National City Municipal Code (see attachment no. 4). This Code section contains planting, maintenance, and permitting regulations.

#### **ATTACHMENTS**

1. Planning Commission Bylaws
2. Street Tree Guidelines
3. List of Approved Street Trees
4. NCMC §13.18



MARTIN REEDER, AICP  
Principal Planner



BRAD RAULSTON  
Executive Director

**CITY OF NATIONAL CITY  
PLANNING COMMISSION AND  
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE**

**BYLAWS.**

**ARTICLE I – THE COMMISSION**

**Section 1.    Name of Commission**

The Commission shall act in the capacity of the "Planning Commission" and the "Housing and Community Development Committee" and shall hereinafter be referred to as the "Commission".

**Section 2.    Mission Statement**

That the following shall be the Mission Statement of the Commission:

***The Commission shall provide a forum to encourage communication from persons, organizations, and institutions in the City of National City about land use, housing, and landscaping throughout the City of National City.***

When serving as the Planning Commission, the Commission shall perform the following functions in accordance with state law §65103 and the City's Municipal Code Chapter 2.28:

1.     Prepare, periodically review, and revise, as necessary, the general plan.
2.     Implement the general plan through actions including, but not limited to the administration of specific plans, and zoning, and subdivision ordinances.
3.     Annually review the capital improvement program for consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).
4.     Endeavor to promote public interest in, comment on, and understanding of the general plan and regulations relating to it.
5.     Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
6.     Promote the coordination of local plans and programs with the plans and programs of other public agencies.
7.     Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

Additionally, in accordance with the City's Municipal Code Chapter 13.18, the Commission will perform the following functions:

8. Identify appropriate trees for planting within the City's parkways and along roadways within National City,
9. Adopt and routinely maintain an "official" street tree list of appropriate trees to install within the City's parkways and along roadways within National City,
10. All trees within the public right of way identified for removal and/or installation shall be referred to the Director of Public Works for determination that removal and/or installation of said tree is warranted. If the request is denied by the Director of Public Works, the property owner may appeal to the "Commission" for further review and determination (in accordance with Section 13.18.030 of the Municipal Code).
11. Review all public works projects when landscaping and street trees are proposed to determine appropriate and desirable street trees and landscaping that will further enhance and beautify the city.

When serving as the Housing and Community Development Committee, the Commission shall:

12. Give advice and make recommendations to the Community Development Commission of the City of National City on projects, programs, and policies including the following:
  - a. The Housing and Urban Development Section 8 Housing Assistant Payments Program for existing housing and for new construction.
  - b. Housing improvement, housing assistance and neighborhood improvement projects, programs and policies in connection with federal and state laws relating to housing and neighborhood improvement.

### Section 3     Duties

The duties of the Commission shall be:

1. To receive and review proposals for the General Plan, including the preparation of zoning, land subdivision and other discretionary development applications and performs all duties specifically assigned by the Municipal Code.
2. To make recommendations to the City Council for specific land use entitlements requiring final decision by the City Council.
3. To make recommendations to the Community Development Commission on matters pertaining to Section 8 Housing Assistant Payment Programs and housing improvement, housing assistance and neighborhood improvement projects, programs, and policies in connection with federal and state laws relating to housing and neighborhood improvement.

4. To make decisions related to installation and/or removal of street trees and landscaping within the public rights of way.

#### Section 4. Membership

##### A. Composition

The Commission shall be comprised of seven (7) individuals appointed by, and to serve at the pleasure of the City Council. The Mayor with the approval of the City Council shall appoint the members. These seven (7) individuals shall be Planning Commission members and also serve on the Housing and Community Development Committee. Two (2) additional individuals shall be appointed and serve only on the Housing and Community Development Committee. These two (2) additional individuals shall be appointed in the same manner as the Planning Commission members; shall be ex officio members, and shall be tenants of the community development commission (CDC), one of whom shall be over sixty-two years of age. Said ex officio members shall sit with the seven members of the Planning Commission on such occasions as the commission is acting in the capacity and carrying out the functions of the committee.

##### B. Terms of Membership

The terms of the members shall be for four (4) years, subject to reappointment by the City Council. Each four-year term shall commence on the first day of April and shall expire on the thirty-first day of March four years thereafter. Upon expiration of term, a member shall serve until re-appointed or replaced.

##### C. Termination of Membership

Membership in the Commission shall automatically terminate in the event that:

1. The member's term has expired. If a term expires, the member can either continue until reappointment or replacement; or
2. The member shall have been absent from the number of Commission meetings specified in these bylaws.

##### D. Removal of Members

A member may be removed by a majority vote of the City Council.

##### E. Resignation

Any Commission member may resign at any time by giving written notice to the Chairperson. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

##### F. Filling of Vacancies

In the event a vacancy occurs on the Commission by reason of death, resignation, removal or termination, such vacancy shall be filled by the majority of the City Council, with new members

so appointed having to meet the qualifications set forth in Article I, Section 4(a). Persons appointed to fill vacancies shall fill the unexpired terms of their predecessors.

## **ARTICLE II – OFFICERS**

### **Section 1. Officers**

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson, and shall be elected in the manner set forth in this Article II.

### **Section 2. Chairperson**

The Chairperson shall preside at all meetings of the Commission and shall submit such agenda recommendations and information at such meetings that are reasonable and proper for the conduct of the business affairs and policies of the Commission. The Chairperson shall sign all resolutions, approved minutes, and other legal documents of the Commission (if any).

### **Section 3. Vice Chairperson**

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.

### **Section 4. Staff**

The Commission shall be served by a full-time professional staff within the Planning Division which shall include a secretary who will prepare an agenda for each regular or adjourned meeting. The agenda and supporting documentation shall be provided to the Commission at least four (4) calendar days prior to the date of the meeting at which such agenda is to be considered. The meeting shall be recorded and minutes prepared for approval by the Commission at the next regularly held meeting. The agendas and minutes shall be available to the public and retained at the City.

### **Section 5. Additional Duties**

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, the bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

### **Section 6. Election**

The Chairperson and Vice Chairperson shall annually be elected by a majority of the members of the Commission from among the members of the Commission. The terms of the Chairperson and Vice Chairperson shall be one year.

### **Section 7. Vacancies**



Should the offices of the Chairperson or Vice Chairperson become vacant, the Commission shall elect a successor from among the Commission members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

### **ARTICLE III – MEETINGS**

#### **Section 1. Regular Meetings**

The Commission shall hold at least two regular meetings in each month and shall annually adopt a schedule for such meetings, shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Any regular meeting may be dispensed with by a majority vote of the Planning Commission.

The Housing and Community Development Committee shall hold at least one meeting each quarter of each calendar year of the and shall annually adopt a schedule for such meetings, shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Any regular meeting may be dispensed with by a majority vote of the Committee.

The Commission shall conduct meetings for matters pertaining to the Planning Commission on the first and third Monday of the month for which a meeting has been called by the Chairperson at 6:00 p.m. in the Council Chambers of the National City Civic Center, 1243 National City Boulevard, 2<sup>nd</sup> Floor, National City, unless otherwise designated. The agenda for each regular meeting shall be posted by City staff at City Hall and on the City's website at least 72 hours in advance consistent with the requirements of the Ralph M. Brown Act.

If there are no items scheduled for the Commission's consideration, the staff may advise the Chairperson there are no items for consideration and suggest cancellation of the meeting. Said cancellation of a meeting shall be posted by City staff at the City Hall and on the City's website. Staff shall announce that the regularly scheduled meeting of the Commission has been adjourned to the next regularly scheduled meeting.

All meetings shall be held and conducted in accordance with the provisions of the "Ralph M. Brown Act" (Section 54590 et seq., of the Government Code of the State of California. All meetings of the Commission are open to the general public.

#### **Section 2. Special Meetings**

Special meetings may be held upon call of the Chairperson, or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 24 hours before the time specified in the notice for a special meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Chairperson a written waiver of notice, and as to any member who is actually present at the time the meeting convenes.

City staff shall be responsible for the posting of the agenda of the special meeting at City Hall and on the City's website at least 24 hours prior to the time specified in the notice for the

meeting. At such special meeting, no business other than that designated on the approved agenda shall be considered.

### Section 3. Adjourned Meetings

Any meeting of the Commission may be adjourned to an adjourned meeting without the need for additional notice or agenda, provided that the adjournment indicates the date, time and place of the adjourned meeting, and provided that the adjourned meeting occurs at the regularly scheduled meeting after the meeting for which notice and agenda requirements were met. Commission members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

### Section 4. All Meetings to be Open and Public

All meeting of the Commission shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings except as otherwise provided by law. Nothing contained in these bylaws. shall be construed to prevent the Commission from holding closed sessions during a meeting concerning any matter permitted by law to be considered in closed session provided the Commission complies with the conditions and procedures provided by law for closed sessions.

### Section 5. Quorum

The powers of the Commission shall be vested in the members thereof in office from time to time. A majority of the members of the Commission qualified and eligible to vote shall constitute a quorum for the purpose of conducting the Commission's business, exercising its powers and for all other purposes, but less than a majority of the members of the Commission may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members of the Commission qualified and eligible to vote shall be required for approval of any question brought before the Commission.

### Section 6. Unexcused Absences

Membership in the Commission shall terminate if a member has three (3) consecutive unexcused absences from meetings, whether regular or special, or three (3) absences from regular meetings, whether excused or unexcused. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chairperson or Designee of intent to be absent and the reasons therefore. At each meeting, after the roll has been called, the Chairperson shall report to the Commission the name of any member who has so notified of their intent to be absent and the reason of such absence. The Commission shall approve or disapprove such reasons for excused absences.

### Section 7. Order of Business

The following shall be the order of business at regular meetings of the Commission:

- 1) Roll Call
- 2) Flag Allegiance
- 3) Approval of Minutes of previous meeting
- 4) Approval of Agenda
- 5) Public Comment
- 6) Continued Public Hearings
- 7) Public Hearing
- 8) Other Business
- 9) Staff Reports
- 10) Adjournment

**Section 8. Minutes**

Minutes of the Commission shall be in writing. Copies of the Minutes of each Commission meeting shall be made available to each member of the Commission. Minutes shall be made available to the public. Approved Minutes shall be filed in the official Book of Minutes of the Commission and published on the City's website.

**Section 9. Rules of Order**

Except as provided in these bylaws., all business and matters before the Commission shall be transacted in conformance with Robert's Rules of Order.

**Section 10. Committee Reports**

Oral and/or written reports of the Commission shall include a report of any findings and/or recommended action on matters for which the subcommittee was established.

**ARTICLE IV – REPRESENTATION BEFORE PUBLIC BODIES**

Any official representations on behalf of the Commission before the City Council or any other public body shall be made by the Chairperson, the Vice Chairperson in the Chairperson's absence, or a member of the Commission specifically so designated by the Commission pursuant to the Brown Act.

**ARTICLE V – SUBCOMMITTEES**

**Section 1. Establishment**

The Commission shall have the authority to, and may, establish subcommittees as necessary to accomplish the purposes set forth in Section 3 of Article I of these Bylaws..

**Section 2.      Membership**

Each subcommittee shall be composed of at least one (1), but not more than three (3) members of the Commission.

**Section 3.      Appointment of Members**

Members on a subcommittee shall be appointed by the Chairperson of the Commission with the approval of the Commission.

**Section 4.      Officers and Meetings**

Subcommittee chairpersons shall be designated by the Chairperson of the Commission from among the Commission members appointed to the subcommittee. Each subcommittee shall elect a vice chairperson, and shall establish the date, time and place for meetings to conduct the subcommittee's business. In the event that any subcommittee meets on more than two (2) occasions, then all further meetings of the subcommittee shall comply with the meeting requirements set forth in Article III.

**Section 5.      Subcommittee Reports**

From time to time, the subcommittee shall submit reports to the Commission, which reports summarize the subcommittee's activities, findings and/or recommendations on matters for which the subcommittee was established.

**ARTICLE VI – AMENDMENTS**

**Section 1. Adoption of these Bylaws. and any Subsequent Amendment**

The bylaws. of the Commission may be amended upon the affirmative vote of at least five (5) voting members of the Commission, but no such amendment shall be adopted unless at least seven (7) days' written notice thereof has previously been given to all members of the Commission. Notice of amendment shall identify the section or sections of the Bylaws. proposed to be amended.

**ARTICLE VII- ORDER OF PRECEDENCE**

**Section1.      Conduct of Affairs**

The Commission will observe all applicable requirements of state and local law, including the following, which have been summarized as follows:

1.      The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter "the Brown Act" or "the Act")
2.      From time to time, the Commission shall be required to attend or participate in specific training related to their position on the Commission.

## National City Street Tree Guidelines

### Street Tree Maintenance:

Note: Public Works Parks Division maintains trees in the City's rights-of-way.

- Anyone can request trimming of City trees that are interfering in the City's rights-of-way. This includes the skirt line (trimming lower limbs from the bottom up) to clear limbs for pedestrians and/or traffic, clearing from traffic signs/signals, remove broken and hanging limbs or any other conditions which deem hazardous.
- Only the resident or the owner can request the tree in their parkway to be trimmed.
- Leaves, flowers, berries, and other small debris which fall from the City trees is the responsibility of the property owner to sweep up. Public Works Parks Division does not provide this service.
- Residents or businesses requesting a street tree removed must write a letter to the Street Tree Committee explaining the reason why they want the tree removed. Reasons that will be considered for removal are as follows:
  1. Tree is dying or dead.
  2. Tree roots are damaging public improvements (sidewalks, streets, curbs, gutters **or underground utilities**).
  3. Tree is considered to be an imminent hazard (i.e., uprooted, leaning).

The following are the City of National City Street Tree guidelines for street tree plantings and removals:

- The Street Tree Committee at their monthly meeting will review all requests, which are held on the third Thursday of every month.
- The Committee can request the City to root prune the tree in efforts to preserve as many City trees as possible.
- A letter will be sent to the resident advising them of the outcome.
- A Street Tree replacement fee of \$65.00 - \$265.00 will then be applied for the removal and replacement of the tree, which is payable at the Finance Department, 1243 National City Blvd., National City.
- The resident will then have a choice from the Street Tree Approved list from where they can make a selection.

LIST OF APPROVED TREES FOR  
THE CITY OF NATIONAL CITY

*Bauhinia Blakeana* (Hong Kong Orchid Tree)  
Height: 20-30 feet

*Lagerstroemia Indica* (Crepe Myrtle)  
Height: 30 feet

*Magnolia Grandiflora* (Southern Magnolia)  
Height: 80 feet

*Metrosideros Excelsus* (New Zealand Christmas Tree)  
Height: 30 feet

*Podocarpus Gracilior* (Fern Pine)  
Height: 70 feet

*Prunus Cerasifera Atropurpurea* (Purple Leaf Plum)  
Height: 30 feet

*Pyrus Kawakamii* (Evergreen Pear)  
Height: 40 feet

*Syagrus Romanzoffiano* (Queen Palm)  
Height: 40 feet

The above is a list of approved trees planted in National City under the Street Tree Program.

If you have any questions, please call Miguel A. Diaz, Parks Superintendent,  
(619) 336-4288

## **Chapter 13.18 STREET TREES AND PARKWAY LANDSCAPING**

### **Sections:**

13.18.010 Generally.

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13.18.060 Prohibitions.

13.18.070 Duties of director.

13.18.080 Nonconforming uses.

### **13.18.010 Generally.**

No landscaping, maintenance of landscaping or construction may be done by any person within any parkway of the city or cause or permit the same to be done except in accordance with the provisions of this chapter.

(Ord. 1426 § 2 (part), 1974)

### **13.18.020 Definitions.**

A. "Parkway" means that part of the public street right-of-way between the curb, or edge of paved roadway where there is no curb, and the property line separating the street right-of-way from abutting private property. Parkway are generally used for public sidewalks, public utility poles, fire hydrants, street signs and other public facilities. The remaining parkway area is generally "landscaped."

B. "Landscaping" means the use of architectural and horticultural materials to provide control of erosion, dust, weeds and accumulation of litter in a manner complementary to the purpose of adding natural environmental quality to a premises. Landscaping also includes trees, shrubs, ground covers and other planting materials providing shade, visual screening, aesthetic enhancement, soil conservation, and reduction of fire hazards, reduction of harborages of rodents, reduction of vermin and reduction of disease-bearing creatures.

C. Maintenance of Landscaping: "Landscaping maintenance" includes sufficient irrigation, fertilization, pruning, trimming and training to keep plants in a healthy, vigorous condition. Removal of dead materials, weeds and accumulated litter, rubble or other foreign substances is required. Maintenance also includes re-seeding, replacement of dead plants and planting where necessary to restore a landscaped area to the level of "coverage" required of a new installation.

Trees located within public street parkways will be pruned and trimmed by city forces and not by private property owners. Public utility companies may prune and trim such trees, if the existence of the tree creates a significant possibility that the continuation of safe, efficient and reliable service to the customers being served may be impaired. Pruning and trimming work shall be done in a professional manner and shall result in an aesthetically desirable contour.

D. "Director" means the National City director of parks and recreation.

E. "Citizens' committee" means the National City street tree and parkway committee.

F. "Official tree" means those trees designated and determined by the director and approved by the citizens' committee to be best suited to plant within or adjacent to the street rights-of-way because of their desirable characteristics of growth and beauty, with reference to their crown, root structure and adaptability to local climatic, soil and street conditions. The director shall maintain a list of official trees on file at his office available to the public during working hours.

G. "Designate tree" means those official trees that have been placed or designated to be placed as elements in the planting design within or adjacent to particular street rights-

of-way by the director and approved by the citizens' committee. The director shall maintain a record of the location, species and age of designated trees at his office available to the public during working hours.

H. "Interim tree" means those trees and shrubs planted along city streets prior to the enactment of the ordinance codified herein which do not qualify as official trees or designate trees because of certain undesirable characteristics of growth with reference to their crown or root structure, or are not adaptable to specific climatic, soil or street conditions unique to their existing location.

I. "Ground cover" means grass, turf or perennial plants that normally grow in a prostrate manner so as to conceal, or with the purpose of concealing, the ground surface, that do not normally exceed eight inches in height, and that will tolerate light pedestrian traffic.

(Ord. 1426 § 2 (part) 1974)

#### **13.18.030 Permits required.**

All landscaping work within parkways shall be done pursuant to permission obtained from the director.

A. Street Trees. Any person desiring permission to plant, cut down, trim, prune, remove or in any way interfere with the natural growth of any tree planted within any parkway, city street rights-of-way, or on other city property, shall make application to the director for a permit therefor. The director shall provide advice and consultation to aid in the elimination of any hazard, undesirable landscape effect, or disease infestation where such action is beneficial to the overall street or block in which the tree is located. If the desired action by the applicant is refused, the applicant may request a hearing before the citizens' committee for further review.

The director is authorized to require all, or any part of, approved work to be performed by or under the supervision of city employees.

Public utility companies may trim any tree growing in, on or along any city street, without a permit, if the existence of the tree creates a significant possibility that the continuation of safe, efficient and reliable service to the customers being served may be impaired. Public utilities may not remove a street tree without obtaining a permit to do so.

Pruning and trimming work shall be done in a professional manner and shall result in an aesthetically desirable contour. If the director finds the quality of the pruning and trimming work not to be satisfactory, he may revoke the permission of the utility company granted above.

B. Shrubs and Ground Cover. Maintenance of shrubs and ground cover shall not require a permit.

(Ord. 1426 § 2 (part), 1974)

#### **13.18.040 Landscaping required.**

Whenever sidewalks are required in conjunction with the issuance of any building permit, parkway landscaping shall also be installed, and such landscaping shall become a part of the building permit except that this requirement shall not apply to properties used for single family and two family residences.

(Ord. 1426 § 2 (part), 1974)

#### **13.18.050 Maintenance required.**

A. Street Trees. No person shall perform, or cause to be performed any maintenance except for watering and fertilizing, upon any tree planted along a city street, or on any other city property, except under emergency conditions, and upon the written approval of



the director; a person or firm determined to be qualified by the director may perform such maintenance on such trees as may be designated by the director. The city will, except for watering and fertilizing, maintain all official and designate trees planted within street rights-of-way. Maintenance of interim trees planted within city street rights-of-way shall be similar to that given designate trees, except designate trees shall have priority over interim trees in the city's maintenance program.

B. Shrubs and Ground Cover. It shall be the responsibility of the adjoining property owner to adequately maintain the parkway area. All landscaped parkways shall be continuously maintained.

C. Guards During Construction. In the erection, alteration, construction or repairing of any building or structure, the owner thereof shall place, or cause to be placed, such guards around all nearby trees located along the street, alley, court or other public place as shall effectively prevent injury to them.

(Ord. 1426 § 2 (part), 1974)

### **13.18.060 Prohibitions.**

A. Street Trees. No person shall place, or cause to be placed, any stone, cement or other substance about any tree planted along any street, or on other city-owned property, which shall impede the free entrance of water or air to the roots of such tree, without leaving an open space of ground around the trunk of such tree of not less than eighteen inches clearance all around. No person shall deface, mutilate or attach or place any rope, wire, sign, poster, handbill or other thing to or on any tree growing along any city street or public place, or to cause any wire charged with electricity to come in contact with such tree. Provided, further, no person shall allow any brine, oil, liquid, dye, salt or other substances injurious or harmful to plant life to lie, leak, flow, drip into or onto, or to come into contact with, the tree or the soil about the base of such plant.

B. Shrubs and Ground Cover. No person shall plant, or cause to be planted, any tree, shrub, or plant or ground cover in the area between the sidewalk and curb, except as provided in this subsection. Grass, turf or other ground cover plantings shall be permitted, provided that such plantings shall not be allowed to attach themselves to or ascend the trunk of any tree. Planting, cutting, mowing, watering, fertilizing and all other maintenance of grass, turf or other ground cover in such parking strips will be performed by the adjacent property owner, subject to the restrictions in this subsection.

(Ord. 1426 § 2 (part), 1974)

### **13.18.070 Duties of director.**

A. Planting and Removal. The director may plant or remove or regulate and control the planting or removal of any and all trees planted within the street rights-of-way of any city street. The director shall coordinate with adjacent owners and the citizens' committee to establish planting plans for the placement of official trees within any block or along any street of the city. Following review of this plan by the citizens' committee and approval by the director, the director may identify specific trees as designated trees for inclusion in the city street tree and beautification program.

B. Enforcement. The director shall make inspections of all parkway landscaping. Where he finds that landscaping is not properly installed or maintained he shall give written notice to the property owner responsible for such work. The notice shall include a description of the required improvements and shall set a reasonable time for compliance. Appeals may be taken from such written notice by filing a written appeal with the city street tree committee. After considering the evidence the committee shall decide the property owner's appeal and issue its order on the appeal. If any work

required by an "order to comply" is not satisfactorily completed within the time specified therein, the city park department crews, or a private contractor employed by the city may do the necessary work and charge the cost of such work to the property owner. Such a charge shall become a lien against that property.

(Ord. 1426 § 2 (part), 1974)

**13.18.080 Nonconforming uses.**

Parkways that are not landscaped shall be leveled to the grade of adjoining sidewalks, or adjoining curbs where there are no sidewalks, and shall thereafter be maintained free of weeds and accumulation of litter. Such work shall be the responsibility of the adjoining property owner. Such leveling shall be done within a one year period following the adoption of the ordinance codified herein. Maintenance shall be continuous thereafter, except that this requirement shall not apply to properties used for single family and two family residences.

(Ord. 1426 § 2 (part), 1974)